

REMARKS

The Examiner rejected Claims 6-10 under 35 U.S.C. §112 as being indefinite. The Examiner states:

"In claim 6, (1) the limitation 'by a connection made without substantial heating of at least one of said wall and of said reinforcing part' is vague, thus indefinite for failing to clearly define the metes and bounds of the claimed invention; more specifically, it is not clear what would consider to be with or without substantial heating, and how it is possible that a connection made of either the wall of the reinforcing part; (2) the limitation of the distance being small enough that 'an uncovering of said opening by contact of said destructible layer with said connection is excluded' is indefinite for failing to clearly define the metes and bounds of the claimed invention. All claims will be examined as best understood."

Claim 6 has been amended to add a "mechanical" connection and to add the modification of the term "without substantial heating of at least one of said wall and of said reinforcing part" by the phrase "which might damage said destructible layer". This should clarify the Examiner's objection by clearly indicating that the term "without substantial heating" is modified by the phrase "which might damage said destructible layer" and should now be definite in its claimed subject matter. The support for these two amendments is found on page 5, lines 1-5 and lines 23-25. This should obviate the Examiner's first objection/rejection (1).

Claim 6 also has been amended to add "that said destructible layer is secured against any substantial offsetting". The objected to term should now be definite in its claimed subject matter, since the distance is small enough to prevent offsetting of the destructible layer, but the distance is not so close as to uncover the opening by forming the connection. The support for this amendment is found on page 5, lines 16-20. This should obviate the Examiner's second objection/rejection (2) and Claims 6-10 now should be in allowable form and the 35 U.S.C. §112 rejection now should be obviated.

The Examiner rejected Claims 6-10 under 35 U.S.C. §102 as being anticipated by Jenkins. The Examiner states:

"Jenkins et al discloses a refrigerating appliance comprising all the elements recited in the above listed claims including, such as shown in Figs 5-6, a foam-filled hollow body having a wall 27 including an opening 50 formed therein, a reinforcing bar 16 having a hole 52 formed therein and disposed with said hole overlapping said opening 50 of the wall 27, a destructible layer 48 disposed between said wall 27 and said reinforcing part 16, said wall 27 and said reinforcing part 16 being connected to each other by a connection 60 (wherein the connection point being defined as one of the two openings 50 shown in Fig 3), wherein said connection extends through said destructible layer 48, and said connection is a rivet connection, said opening 50 is disposed on a front side of said housing and is provided for mounting a hinge (col. 6, lines 56-61)."

In contrast with the Examiner's statement, the "support bars 48 ... are a strong metal strip" col. 4, lines 20, 21 which "are formed with vertically spaced pairs of openings 52 and 53 which are spaced to align with openings 50 and 51" col. 4, lines 35-38 in the wall portions 27. Clearly, these preformed openings in the metal strips cannot be the claimed "destructible layer" which is formed to cover the openings and is so claimed. Reconsideration of Claims 6-10 respectfully is requested, since Claims 6-10 claim structure not disclosed by Jenkins or the other references of record and Claims 6-10 should clearly be allowable thereover.

A certified copy of the priority document No 10142510.4 dated August 30, 2001, is enclosed herewith.

Claims 6-10 as now amended are in condition for allowance and allowance thereof respectfully is solicited. If the Examiner has any questions or further objections regarding the claims, the Examiner is requested to contact the undersigned.

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Name of Attorney Signing
under 37 CFR 1.34

Respectfully submitted



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